



**National Employment
Law Project**

April 16, 2013

Chairman John Kline
Ranking Member George Miller
Education and the Workforce Committee
U.S. House of Representatives
Washington, DC

Re: Compensatory Time Bill (H.R. 1406) is Bad Policy

Dear Chairman Kline and Ranking Member Miller:

I write on behalf of the National Employment Law Project (NELP) to urge you to vote against the misnamed Working Families Flexibility Act (H.R. 1406), a proposal that would undermine the core principles of the Fair Labor Standards Act (FLSA)'s overtime protections. The FLSA gave our country the 40-hour workweek, requiring employers to pay a premium to employees working more than 40 hours in a week. H.R. 1406 would create an incentive for employers to demand more overtime work by not requiring premium pay for that extra work. This is the opposite of the family flexibility sorely needed by our nation's workers. Moreover, diluting the overtime pay requirement undermines another important goal of premium pay, i.e., encouraging more hiring. At a moment when unemployment is still high, there are three unemployed workers for every opening, and the jobs deficit remains deep, the last thing America's workers need is for Congress to enact measures that will discourage job creation.

As our report has shown, wage theft is a major problem for low-wage workers today. http://www.unprotectedworkers.org/index.php/broken_laws/index. This bill would add to the problem by making it easier for employers to avoid overtime compensation obligations. Far from guaranteeing that workers can use the comp time they've earned when they need it most, this bill makes work less flexible for employees. Nothing in current law prohibits employers from offering family-friendly schedules now, as many employers practice now, and nothing in current law prohibits employers from providing unpaid leave to employees who work a lot of overtime and want more time off. But current law also requires that those same employees be paid fairly for their overtime hours.

Very truly yours,

Christine L. Owens
Executive Director

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